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(*Pro Hac Admission Pending*)

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General Bankruptcy and Restructuring Attorneys
for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA
RENO DIVISION**

In re:

HI-FIVE ENTERPRISES, LLC, a
California limited liability company;
**ONE SOUTH LAKE STREET,
LLC**, a Nevada limited liability
company; and **WILD GAME NG,
LLC**, a Nevada limited liability
company d/b/a The Siena Hotel Spa &
Casino,

Debtors and
Debtors-
In-Possession.

☐ Affects all Debtors

☐ Applies only to Hi-Five
Enterprises, LLC

☒ Applies only to One South Lake
Street, LLC

☒ Applies only to Wild Game Ng,
LLC

Case No.: 10-bk-54013-GWZ

[Jointly Administered]

Chapter 11

**SUPPLEMENTAL STATEMENT IN
SUPPORT OF DEBTORS AND DEBTORS-
IN-POSSESSION'S EMERGENCY
MOTION FOR AN ORDER:**

**(1) ESTABLISHING AUCTION
PROCEDURES WITH RESPECT TO THE
SALE OF THE DEBTORS' REAL AND
PERSONAL PROPERTY;**

**(2) APPROVING AND AUTHORIZING
THE SALE BY AUCTION OF THE
DEBTORS' REAL AND PERSONAL
PROPERTY FREE AND CLEAR OF
LIENS, CLAIMS, AND
ENCUMBRANCES, SUBJECT TO
HIGHER AND BETTER OFFERS;**

**(3) APPROVING ASSUMPTION AND
ASSIGNMENT OF CERTAIN
UNEXPIRED LEASES AND EXECUTORY
CONTRACTS AND DETERMINING
CURE AMOUNTS, OR, IN THE
ALTERNATIVE, APPROVING THE
REJECTION OF UNEXPIRED LEASES
AND EXECUTORY CONTRACTS;**

**(4) APPROVING THE FORM AND
MANNER OF NOTICE; AND**

**(5) APPROVING THE ADDENDUM TO
INNOVATION CAPITAL LLC'S
ENGAGEMENT LETTER DATED
OCTOBER 28, 2010**

**DECLARATION OF BARNEY NG IN
SUPPORT THEREOF**

Hearing:

Date: November 10, 2010

Time: 1:00 p.m.

Place: 300 Booth Street,
Courtroom 3
Reno, NV 89509

**TO: THE HONORABLE GREGG W. ZIVE, UNITED STATES
BANKRUPTCY JUDGE; THE OFFICE OF THE UNITED STATES TRUSTEE;
AND ALL PARTIES ENTITLED TO NOTICE:**

One South Lake Street, LLC (“One South”) and Wild Game Ng, LLC (“Wild Game”), doing business as The Siena Hotel Spa & Casino (collectively, the “Debtors”) hereby submit this supplemental statement in support of the Debtors’ *Emergency Motion for an Order: (1) Establishing Auction Procedures with Respect to the Sale of the Debtors’ Real and Personal Property; (2) Approving and Authorizing the Sale by Auction of the Debtors’ Real and Personal Property Free and Clear of Liens, Claims, and Encumbrances, Subject to Higher and Better Offers; (3) Approving Assumption and Assignment of Certain Unexpired Leases and Executory Contracts and Determining Cure Amounts, or, in the Alternative, Approving the Rejection of Unexpired Leases and Executory Contracts; (4) Approving the Form and Manner of Notice; and (5) Approving the Addendum to Innovation Capital LLC’s Engagement Letter Dated October 28, 2010* [Docket No. 190] (the “Motion”).¹

Pursuant to the Motion, the Debtors seek to sell the Property and Wild Game’s personal property assets, including its customer list (the “Customer List”), to the Successful Buyer. The Customer List may include “personally identifiable information” as defined under 11 U.S.C. § 101(41A). As provided in the annexed Declaration of Barney Ng, the Debtors do not believe that the sale and transfer of the Debtors’ Customer List to the Successful Buyer violates any disclosed privacy policy described in 11 U.S.C. § 363(b)(1). In any event, the Debtors submit that the *Real and Personal Property Purchase and Sale Agreement* (the “Agreement”) attached as Exhibit “A” to the Motion, will be modified to require the Successful Buyer to adopt the Debtors’ privacy policies, if any, with respect to any “personally identifiable information” of the Debtors’ customers contained in customer accounts or customer lists that may be conveyed and otherwise transferred to the Successful Buyer.

¹ All capitalized words used herein shall have the meaning ascribed to them in the Motion unless otherwise defined.

1 **WHEREFORE**, the Debtors respectfully request that this Court grant the Motion
2 as modified by this supplemental statement.

3
4 Dated: November 9, 2010

Respectfully submitted,

ARENT FOX LLP

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7 By: /s/ Aram Ordubegian
8 ARAM ORDUBEGIAN
9 METTE H. KURTH
10 ANDY S. KONG
11 General Bankruptcy and Restructuring
12 Attorneys for Debtors and Debtors-in-
13 Possession
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DECLARATION OF BARNEY NG

I, Barney Ng, declare that:

1. I am over 18 years of age. If called as a witness, I could and would competently testify with respect to the matters set forth in this declaration from my own personal knowledge or from knowledge gathered from others within the Debtors' organization, my review of the Debtors' books and records and other relevant documents, or my opinion based upon my experience concerning the Debtors' operations.

2. I make this declaration in support of the Debtors and Debtors-in-Possession's *Supplemental Statement in Support of Emergency Motion for an Order: (1) Establishing Auction Procedures with Respect to the Sale of the Debtors' Real and Personal Property; (2) Approving and Authorizing the Sale by Auction of the Debtors' Real and Personal Property Free and Clear of Liens, Claims, and Encumbrances, Subject to Higher and Better Offers; (3) Approving Assumption and Assignment of Certain Unexpired Leases and Executory Contracts and Determining Cure Amounts, or, in the Alternative, Approving the Rejection of Unexpired Leases and Executory Contracts; (4) Approving the Form and Manner of Notice; and (5) Approving the Addendum to Innovation Capital LLC's Engagement Letter Dated October 28, 2010* (the "Motion").

3. I am the managing member of each of the Debtors and have served in this capacity since May 8, 1998. I am authorized to speak on behalf of the Debtors in these proceedings.

4. I have extensively reviewed the Debtors' books and records and based upon my review of the relevant documents and my understanding and knowledge of the Debtors' operations, I do not believe that the sale and transfer of the Debtors' Customer List to the Successful Buyer violates any disclosed privacy policy of the type described in 11 U.S.C. § 363(b)(1).

5. In any event, the *Real and Personal Property Purchase and Sale Agreement* (the "Agreement") attached as Exhibit "A" to the Motion, will be modified to require the Successful Buyer to adopt the Debtors' privacy policies, if any, with respect to any

1 “personally identifiable information” of the Debtors’ customers contained in customer
2 accounts or customer lists that may be conveyed and otherwise transferred to the
3 Successful Buyer.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct.

6 Executed this 9th day of November 2010, at Lafayette, California.

7
8 /s/ Barney Ng
BARNEY NG

In re: **Hi-Five Enterprises, LLC**

Debtor(s).

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NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: Arent Fox LLP, Gas Company Tower, 555 West Fifth Street, 48th Floor, Los Angeles, CA 90013.

A true and correct copy of the foregoing document described **SUPPLEMENTAL STATEMENT IN SUPPORT OF DEBTORS AND DEBTORS-IN-POSSESSION'S EMERGENCY MOTION FOR AN ORDER: (1) ESTABLISHING AUCTION PROCEDURES WITH RESPECT TO THE SALE OF THE DEBTORS' REAL AND PERSONAL PROPERTY; (2) APPROVING AND AUTHORIZING THE SALE BY AUCTION OF THE DEBTORS' REAL AND PERSONAL PROPERTY FREE AND CLEAR OF LIENS, CLAIMS, AND ENCUMBRANCES, SUBJECT TO HIGHER AND BETTER OFFERS, AND (3) APPROVING ASSUMPTION AND ASSIGNMENT OF CERTAIN UNEXPIRED LEASES AND EXECUTORY CONTRACTS AND DETERMINING CURE AMOUNTS, OR, IN THE ALTERNATIVE, APPROVING THE REJECTION OF UNEXPIRED LEASES AND EXECUTORY CONTRACTS; (4) APPROVING THE FORM AND MANNER OF NOTICE; AND (5) APPROVING THE ADDENDUM TO INNOVATION CAPITAL LLC'S ENGAGEMENT LETTER DATED OCTOBER 28, 2010 DECLARATION OF BARNEY NG IN SUPPORT THEREOF** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On November 9, 2010 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☒ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On _____ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on November 9, 2010 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

November 9, 2010

Date

SIMONA FILIP

Type Name

/s/ Simona Filip

Signature

In re: **Hi-Five Enterprises, LLC**

Debtor(s).

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ADDITIONAL SERVICE INFORMATION

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”):

DENNIS L. BELCOURT on behalf of Creditor NEVADA DEPARTMENT OF TAXATION
DBelcourt@ag.nv.gov, SJohnson@ag.nv.gov

JANET L. CHUBB on behalf of Creditor NATIONAL AUTOMOBILE MUSEUM
twaldo@armstrongteasdale.com

THOMAS H. FELL on behalf of Creditor RE RENO, LLC
BANKRUPTCYNOTICES@GORDONSILVER.COM;bknotices@gordonsilver.com

LUCAS GJOVIG on behalf of Creditor Committee OFFICIAL COMMITTEE OF GENERAL UNSECURED CREDITORS
lmgjovig@duanemorris.com, jldailey@duanemorris.com;bsrudolph@duanemorris.com

GREGORY K JONES on behalf of Creditor RE RENO, LLC
gjones@stutman.com, jstern@stutman.com

JAMES A KOHL on behalf of Creditor KONAMI GAMING, INC.
jak@h2law.com, sgeorge@howardandhoward.com

JEANETTE E. MCPHERSON on behalf of Creditor BALLY GAMING, INC.
bkfilings@s-mlaw.com

JOHN F MURTHA on behalf of Creditor NV ENERGY
jmurtha@woodburnandwedge.com

MICHAEL A.T. PAGNI on behalf of Creditor TRUCKEE MEADOWS WATER AUTHORITY
mpagni@mcdonaldcarano.com, mnichols@mcdonaldcarano.com

SUSAN BALL ROTHE on behalf of Creditor CITY OF RENO
rothes@reno.gov

JENNIFER A. SMITH on behalf of Creditor INTERNATIONAL GAME TECHNOLOGY
cobrien@lionelsawyer.com, bklscr@lionelsawyer.com

U.S. TRUSTEE - RN - 11
USTPRegion17.RE.ECF@usdoj.gov

MICHAEL EDWARD WILSON on behalf of Interested Party STATE GAMING CONTROL BOARD NV
GAMING COM
mwilson@ag.nv.gov

In re: **Hi-Five Enterprises, LLC**

Debtor(s).

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III. SERVED BY PERSONAL DELIVERY:

Honorable Gregg W. Zive
C. Clifton Young Federal Building
U.S. Bankruptcy Court
300 Booth Street
Reno, NV 89509

III. SERVED BY EMAIL:

DENNIS L. BELCOURT on behalf of Creditor NEVADA DEPARTMENT OF TAXATION
DBelcourt@ag.nv.gov, SJohnson@ag.nv.gov

JANET L. CHUBB on behalf of Creditor NATIONAL AUTOMOBILE MUSEUM
twaldo@armstrongteasdale.com

THOMAS H. FELL on behalf of Creditor RE RENO, LLC
BANKRUPTCYNOTICES@GORDONSILVER.COM;bknotices@gordonsilver.com

LUCAS GJOVIG on behalf of Creditor Committee OFFICIAL COMMITTEE OF GENERAL UNSECURED CREDITORS
lmgjovig@duanemorris.com, jldailey@duanemorris.com;bsrudolph@duanemorris.com

GREGORY K JONES on behalf of Creditor RE RENO, LLC
gjones@stutman.com, jstern@stutman.com

JAMES A KOHL on behalf of Creditor KONAMI GAMING, INC.
jak@h2law.com, sgeorge@howardandhoward.com

JEANETTE E. MCPHERSON on behalf of Creditor BALLY GAMING, INC.
bkfilings@s-mlaw.com

JOHN F MURTHA on behalf of Creditor NV ENERGY
jmurtha@woodburnandwedge.com

MICHAEL A.T. PAGNI on behalf of Creditor TRUCKEE MEADOWS WATER AUTHORITY
mpagni@mcdonaldcarano.com, mnichols@mcdonaldcarano.com

SUSAN BALL ROTHE on behalf of Creditor CITY OF RENO
rothes@reno.gov

JENNIFER A. SMITH on behalf of Creditor INTERNATIONAL GAME TECHNOLOGY
cobrien@lionelsawyer.com, bklscr@lionelsawyer.com

In re: Hi-Five Enterprises, LLC	CHAPTER 11
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U.S. TRUSTEE - RN - 11
USTPRegion17.RE.ECF@usdoj.gov

MICHAEL EDWARD WILSON on behalf of Interested Party STATE GAMING CONTROL BOARD NV
GAMING COM
mwilson@ag.nv.gov

Shawn M. Christianson on behalf of Creditor Oracle America, Inc.
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Joseph D. Frank on behalf of Creditor Pepsi Beverages Company
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Eric D. Goldberg on behalf of Creditor RE Reno, LLC
egoldberg@stutman.com

Geoffrey A. Heaton on behalf of Creditor Committee Official Committee of General Unsecured Creditors for
Hi-Five Enterprises, LLC
gheaton@duanemorris.com

William J. Lafferty on behalf of Creditor NV Energy, Inc.
wlafferty@howardrice.com, aray@howardrice.com; jbeyl@howardrice.com

Daniel A. McDaniel on behalf of Creditor General Produce Co., Ltd.
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Aron M. Oliner on behalf of Creditor Committee Official Committee of General Unsecured Creditors for Hi-
Five Enterprises, LLC
roliner@duanemorris.com

John D. Suhr on behalf of Creditor Creditors Bureau USA
jsuhr@fresnocredit.com, val@fcbcbc.com; jeanne@fcbcbc.com